FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 SEP 12 AM 9:15

REVISED by the Public Works Committee at its 9/10/19 meeting

Approved as to Form and Legality

City Attorney

# OAKLAND CITY COUNCIL

## RESOLUTION NO._____C.M.S.

Introduced by Councilmember _____

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO: (1) NEGOTIATE AND EXECUTE AGREEMENTS WITH THE ALAMEDA - CONTRA COSTA COUNTY TRANSIT DISTRICT FOR COST SHARING OF JOINT BENEFIT EAST BAY BUS RAPID TRANSIT, BRT, PROJECT RELATED TRANSPORTATION IMPROVEMENTS, (2) TO ESTABLISH RESPECTIVE ROLES AND RESPONSIBILITIES BETWEEN AC TRANSIT AND THE CITY AS TO GRANT FUNDING, (3) TO PAY AC TRANSIT FOR WORK REQUESTED BY THE CITY THAT IS OUTSIDE THE BASE BRT PROJECT SCOPE, AND (4) TO ACCEPT AND APPROPRIATE FUNDS FROM AC TRANSIT FOR BRT RELATED TRANSPORTATION IMPROVEMENTS**

**WHEREAS**, AC Transit's mission to connect our communities with safe, reliable, sustainable transit services is aligned with the Oakland Department of Transportation mission (insert)

**WHEREAS**, the City is a partner with the AC Transit in the East Bay Bus Rapid Transit Project (BRT project); and

**WHEREAS,** City Council Resolution No. 84570 C.M.S. authorized the City Administrator to enter a Master Cooperative Agreement with AC Transit for Final Design and Construction of the BRT project, and that agreement was executed on August 30, 2013; and

**WHEREAS**, on June 7, 2016, City Council Resolutions No. 86223 and No. 86224 C.M.S. constituted its approval of the Final Design package for the BRT project; and

**WHEREAS**, the BRT project corridor will ultimately extend approximately 9.52 miles from Downtown Oakland to the San Leandro transit center and is designed to provide superior public transit through one of Oakland's busiest corridors. In Oakland, project features include 18 sidewalk stations (9 pairs) on Broadway, East 11$^{th}$ Street and East 12$^{th}$ Streets, and 20 center median stations serving the dedicated bus transit way along International Boulevard from 14$^{th}$ Avenue to the San Leandro border.

**WHEREAS**, while the BRT project scope of work was governed by the federal environmental impact study and report, as well as local conditions of approval, and included many transportation infrastructure improvements, and while AC Transit and the City have endeavored to supplement the base BRT project scope of work, there remain additional needs for transportation infrastructure improvements along the BRT project corridor.

**WHEREAS**, as part of the City transportation program(s) and AC Transit's BRT project, there are potential opportunities for the City and AC Transit to collaborate on mutually beneficial transportation improvement projects that support BRT and other bus operations, first and last leg travel from transit stops, and access and safety for all modes of transportation; and

**WHEREAS**, approval of this resolution allows the City Administrator, or designee, to collaborate on external grant opportunities and to negotiate cost-sharing agreements with AC Transit, on a case-by-case basis, for BRT related transportation improvements as each opportunity may involve either the City or AC Transit to perform the work; and

**WHEREAS**, approval of this resolution does not, however, obligate the City or AC Transit to cooperate on BRT project – related transportation improvements, however, having a mechanism to share costs between the two agencies creates new opportunities and is a direct benefit to the public; and

**WHEREAS**, the priorities for selecting these shared transportation improvement activities will follow the City's transportation policies previously adopted or adopted by City Council in the future; and

**WHEREAS**, approval of this resolution will enable the City Administrator, or designee, to pay AC Transit for work that is outside the approved BRT project scope; and

**WHEREAS,** funds for the City's portion of these shared transportation improvement activities is budgeted and available in the Department of Transportation as it is intended to use existing appropriation through individual projects as opportunities arise, be it; and

**WHEREAS**, approval of this resolution will enable the City Administrator, or designee, to accept and appropriate funds from AC Transit on a case-by-case basis for BRT project -related transportation improvement activities without returning to Council; and

**RESOLVED:** That the City Administrator, or designee, is authorized to collaborate with AC Transit on external grant opportunities and to negotiate cost-sharing agreements with AC Transit, on a case-by-case basis, for BRT project related transportation improvements as each opportunity may involve either the City or AC Transit to perform the work; and

**FURTHER RESOLVED:** Approval of this resolution will enable the City Administrator, or designee, to pay AC Transit for work requested by the City on a case-by-case basis that is outside the approved BRT project scope; and be it

**FURTHER RESOLVED:** Approval of this resolution will enable the City Administrator or designee to accept and appropriate funds for cost sharing of joint-benefit BRT – related transportation improvement projects from AC Transit on a case-by-case basis per the executed agreement without returning to Council; and be it

**FURTHER RESOLVED:** Funds will be accepted and appropriated based on actual revenues received from AC Transit and will be placed in:

- Miscellaneous Grants Fund (2999); Complete Streets Design Organization (35213); Project No. To be determined; and be it

**FURTHER RESOLVED:** The Oakland City Council authorizes and urges the City Administrator or her designee to cooperate with AC Transit on design changes needed to complete the BRT project on schedule and within budget, such as accepting alternative paving details for the route within the City's jurisdiction or control, so long as such changes are commensurate with the master cooperative and operations and maintenance agreements already in place between AC Transit and the City, without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

**PASSED BY THE FOLLOWING VOTE:**

AYES – FORTUNATO-BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, and PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:_____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California